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**HOUSE BILL 442**

**46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003**

**INTRODUCED BY**

Thomas C. Taylor

**AN ACT**

**RELATING TO THE LEGISLATURE; ABOLISHING CERTAIN INTERIM  
COMMITTEES AND TASK FORCES; ASSIGNING CERTAIN DUTIES AND  
FUNCTIONS TO THE NEW MEXICO LEGISLATIVE COUNCIL OR ITS  
DESIGNEES; AMENDING AND REPEALING CERTAIN SECTIONS OF THE NMSA  
1978 THAT RELATE TO THE ABOLISHED COMMITTEES AND TASK FORCES.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. TEMPORARY PROVISION-- FINDINGS AND PURPOSE. --**

**A. The legislature finds that:**

**(1) there has been a large increase in the  
number of statutorily created interim legislative committees;**

**(2) many of the committees have fully served  
their purposes and completed their assigned tasks, yet the  
perpetual existence and the performance of duties of the  
committees are still required by statute;**

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1 (3) statutorily mandating a committee to  
2 perpetually exist and hold meetings even after the committee  
3 has satisfied its original purpose is a waste of money and  
4 legislative resources;

5 (4) the New Mexico legislative council has the  
6 power and has demonstrated a willingness and desire to create  
7 interim committees to research and study outstanding issues and  
8 make recommendations to the legislature; and

9 (5) significant issues facing the state can be  
10 addressed more efficiently by committees created by the New  
11 Mexico legislative council rather than by committees created by  
12 legislation.

13 B. The purpose of this act is to conserve state  
14 money and legislative resources by abolishing those interim  
15 legislative committees without a permanent staff that have been  
16 created by statute so that the current, outstanding and  
17 significant issues facing the state can be addressed more  
18 efficiently by committees created for those specific purposes  
19 by the New Mexico legislative council.

20 Section 2. Section 6-4-10 NMSA 1978 (being Laws 1999,  
21 Chapter 207, Section 2, as amended) is amended to read:

22 "6-4-10. TOBACCO SETTLEMENT PROGRAM FUND CREATED--  
23 PURPOSE. --

24 A. The "tobacco settlement program fund" is created  
25 in the state treasury and shall consist of distributions made

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1 to the fund from the tobacco settlement permanent fund. Income  
2 from investment of the tobacco settlement program fund shall be  
3 credited to the fund. Beginning in fiscal year 2002, money in  
4 the tobacco settlement program fund may be appropriated by the  
5 legislature for any of the purposes specified in Subsection B  
6 of this section [~~and after receiving the recommendations of the~~  
7 ~~tobacco settlement revenue oversight committee~~]. Balances in  
8 the tobacco settlement program fund at the end of any fiscal  
9 year shall remain in the fund.

10 B. Money may be appropriated from the tobacco  
11 settlement program fund for health and educational purposes,  
12 including:

13 (1) support of additional public school  
14 programs, including extracurricular and after-school programs  
15 designed to involve students in athletic, academic, musical,  
16 cultural, civic, mentoring and similar types of activities;

17 (2) any health or health care program or  
18 service for prevention or treatment of disease or illness;

19 (3) basic and applied research conducted by  
20 higher educational institutions or state agencies addressing  
21 the impact of smoking or other behavior on health and disease;

22 (4) public health programs and needs; and

23 (5) tobacco use cessation and prevention  
24 programs, including statewide public information, education and  
25 media campaigns. "

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1           Section 3. Section 6-21-5 NMSA 1978 (being Laws 1992,  
2 Chapter 61, Section 5, as amended) is amended to read:

3           "6-21-5. POWERS OF THE AUTHORITY. -- The authority is  
4 granted all powers necessary and appropriate to carry out and  
5 effectuate its public and corporate purposes, including the  
6 following powers:

7           A. to sue or be sued;

8           B. to adopt and alter an official seal;

9           C. to make and alter bylaws for its organization  
10 and internal management and to adopt, subject to the review  
11 [~~and approval of the New Mexico finance authority oversight~~  
12 ~~committee~~] of an interim committee designated by the New Mexico  
13 legislative council, such rules as are necessary and  
14 appropriate to implement the provisions of the New Mexico  
15 Finance Authority Act;

16           D. to appoint officers, agents and employees,  
17 prescribe their duties and qualifications and fix their  
18 compensation;

19           E. to make, enter into and enforce all contracts,  
20 agreements and other instruments necessary, convenient or  
21 desirable in the exercise of the authority's powers and  
22 functions and for the purposes of the New Mexico Finance  
23 Authority Act;

24           F. to acquire, construct, hold, improve, grant  
25 mortgages of, accept mortgages of, sell, lease, convey or

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1 dispose of real and personal property for its public purposes;

2 G. to acquire, construct or improve real property,  
3 buildings and facilities for lease and to pledge rentals and  
4 other income received from such leases to the payment of bonds;

5 H. to make loans, leases and purchase securities  
6 and contract to make loans, leases and purchase securities;

7 I. to make grants to qualified entities to finance  
8 public projects; provided that such grants are not made from  
9 the public project revolving fund;

10 J. to procure insurance to secure payment on any  
11 loan, lease or purchase payments owed to the authority by a  
12 qualified entity in such amounts and from such insurers,  
13 including the federal government, as it may deem necessary or  
14 desirable and to pay any premiums for such insurance;

15 K. to fix, revise from time to time, charge and  
16 collect fees and other charges in connection with the making of  
17 loans, leases and any other services rendered by the authority;

18 L. to accept, administer, hold and use all funds  
19 made available to the authority from any sources;

20 M. to borrow money and to issue bonds and provide  
21 for the rights of the holders of the bonds;

22 N. to establish and maintain reserve and sinking  
23 fund accounts to insure against and have funds available for  
24 maintenance of other debt service accounts;

25 O. to invest and reinvest its funds and to take and

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1 hold property as security for the investment of such funds as  
2 provided in the New Mexico Finance Authority Act;

3 P. to employ attorneys, accountants, underwriters,  
4 financial advisers, trustees, paying agents, architects,  
5 engineers, contractors and such other advisers, consultants and  
6 agents as may be necessary and to fix and pay their  
7 compensation;

8 Q. to apply for and accept gifts or grants of  
9 property, funds, services or aid in any form from the United  
10 States, any unit of government or any person and to comply,  
11 subject to the provisions of the New Mexico Finance Authority  
12 Act, with the terms and conditions of the gifts or grants;

13 R. to maintain an office at any place in the state  
14 it may determine;

15 S. subject to any agreement with bondholders, to:

16 (1) renegotiate any loan, lease or agreement;

17 (2) consent to any modification of the terms  
18 of any loan, lease or agreement; and

19 (3) purchase bonds, which may upon purchase be  
20 canceled; and

21 T. to do any and all things necessary or convenient  
22 to carry out its purposes and exercise the powers given and  
23 granted in the New Mexico Finance Authority Act. "

24 Section 4. Section 6-21-6.1 NMSA 1978 (being Laws 1994,  
25 Chapter 145, Section 2, as amended) is amended to read:

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1 "6-21-6. 1. PUBLIC PROJECT REVOLVING FUND-- APPROPRIATIONS  
2 TO OTHER FUNDS. --

3 A. The authority and the department of environment  
4 may enter into a joint powers agreement pursuant to the Joint  
5 Powers Agreements Act for the purpose of describing and  
6 allocating duties and responsibilities with respect to creation  
7 of an integrated loan and grant program to be financed through  
8 issuance of bonds payable from the public project revolving  
9 fund. The bonds may be issued in installments or at one time  
10 by the authority in amounts authorized by law. The aggregate  
11 amount of bonds authorized and outstanding pursuant to this  
12 subsection shall not be greater than the amount of bonds that  
13 may be annually repaid from an amount not to exceed thirty-five  
14 percent of the governmental gross receipts tax proceeds  
15 distributed to the public project revolving fund in the  
16 preceding fiscal year. The net proceeds may be used for  
17 purposes of the water and wastewater planning fund and the  
18 water and wastewater project grant fund as specified in the New  
19 Mexico Finance Authority Act or for purposes of the Wastewater  
20 Facility Construction Loan Act, the Rural Infrastructure Act,  
21 the Solid Waste Act or the Drinking Water State Revolving Loan  
22 Fund Act.

23 B. Public projects funded pursuant to the  
24 Wastewater Facility Construction Loan Act, the Rural  
25 Infrastructure Act, the Solid Waste Act or the Drinking Water

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1 State Revolving Loan Fund Act shall not require specific  
2 authorization by law as required in Sections 6-21-6 and 6-21-8  
3 NMSA 1978.

4 C. At the end of each fiscal year, after all debt  
5 service charges, replenishment of reserves and administrative  
6 costs on all outstanding bonds, notes or other obligations  
7 payable from the public project revolving fund are satisfied,  
8 an aggregate amount not to exceed thirty-five percent of the  
9 governmental gross receipts tax proceeds distributed to the  
10 public project revolving fund in the preceding fiscal year less  
11 all debt service charges and administrative costs of the  
12 authority paid in the preceding fiscal year on bonds issued  
13 pursuant to this section may be appropriated by the legislature  
14 from the public project revolving fund to the following funds  
15 for local infrastructure financing:

16 (1) the wastewater facility construction loan  
17 fund for purposes of the Wastewater Facility Construction Loan  
18 Act;

19 (2) the rural infrastructure revolving loan  
20 fund for purposes of the Rural Infrastructure Act;

21 (3) the solid waste facility grant fund for  
22 purposes of the Solid Waste Act;

23 (4) the drinking water state revolving loan  
24 fund for purposes of the Drinking Water State Revolving Loan  
25 Fund Act;

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1 (5) the water and wastewater project grant  
2 fund for purposes specified in the New Mexico Finance Authority  
3 Act; or

4 (6) the water and wastewater planning fund for  
5 purposes specified in the New Mexico Finance Authority Act.

6 D. The authority and the department of environment,  
7 in coordination with the New Mexico [~~finance authority~~  
8 ~~oversight committee~~] legislative council or an interim  
9 committee designated by the council, may recommend annually to  
10 each regular session of the legislature amounts to be  
11 appropriated to the funds listed in Subsection C of this  
12 section for local infrastructure financing. "

13 Section 5. Section 6-21-7 NMSA 1978 (being Laws 1992,  
14 Chapter 61, Section 7) is amended to read:

15 "6-21-7. PUBLIC PROJECT FINANCE PROGRAM - DUTIES OF  
16 AUTHORITY. --The authority has the following duties:

17 A. to develop and administer a program to assist  
18 qualified entities individually or jointly in financing public  
19 projects;

20 B. to establish a process and procedures for review  
21 and assessment of public project needs in the state and report  
22 to the New Mexico [~~finance authority oversight committee~~]  
23 legislative council or an interim committee designated by the  
24 council, the legislature and the governor the authority's  
25 public project financing and repayment agreement

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1 recommendations; and

2 C. to cooperate with and exchange services and  
3 information with any federal, state or local governmental  
4 agency. "

5 Section 6. Section 6-21-21 NMSA 1978 (being Laws 1992,  
6 Chapter 61, Section 21, as amended) is amended to read:

7 "6-21-21. MONEY OF THE AUTHORITY--EXPENSES--AUDIT--  
8 ANNUAL REPORT.--

9 A. All money of the authority, except as otherwise  
10 authorized or provided in the New Mexico Finance Authority Act  
11 or in a bond resolution, trust indenture or other instrument  
12 under which bonds are issued, shall be deposited as soon as  
13 practical in a separate account or accounts in banks or trust  
14 companies organized under the laws of this state. All deposits  
15 of money shall be secured, if required by the authority, in  
16 such a manner as the authority determines to be prudent. Banks  
17 or trust companies are authorized to give security for deposits  
18 of the authority.

19 B. Subject to the provisions of any contract with  
20 bondholders, the authority shall prescribe a system of  
21 accounts.

22 C. Money held by the authority that is not needed  
23 for immediate disbursement, including [~~any funds~~] money held in  
24 reserve, may be deposited with the state treasurer for  
25 short-term investment pursuant to Section 6-10-10.1 NMSA 1978

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1 or may be invested in direct and general obligations of or  
2 obligations fully and unconditionally guaranteed by the United  
3 States, obligations issued by agencies of the United States,  
4 obligations of this state or any political subdivision of the  
5 state, interest-bearing time deposits, commercial paper issued  
6 by corporations organized and operating within the United  
7 States and rated "prime" quality by a national rating service,  
8 other investments permitted by Section 6-10-10 NMSA 1978 or as  
9 otherwise provided by the trust indenture or bond resolution,  
10 if the [~~funds are~~] money is pledged for or [~~secure~~] secures  
11 payment of bonds issued by the authority.

12 D. The authority shall have an audit of its books  
13 and accounts made at least once each year by the state auditor  
14 or by a certified public accounting firm whose proposal has  
15 been reviewed and approved by the state auditor. The cost of  
16 the audit shall be an expense of the authority. Copies of the  
17 audit shall be submitted to the governor and the New Mexico  
18 [~~finance authority oversight committee~~] legislative council or  
19 an interim committee designated by the council and made  
20 available to the public.

21 E. The authority shall submit a report of its  
22 activities to the governor and to the legislature not later  
23 than December 1 of each year. Each report shall set forth a  
24 complete operating and financial statement covering its  
25 operations for that year."

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1           Section 7. Section 7-9A-2.1 NMSA 1978 (being Laws 2001,  
2 Chapter 57, Section 2 and Laws 2001, Chapter 337, Section 2) is  
3 amended to read:

4           "7-9A-2.1. LEGISLATIVE OVERSIGHT. -- [~~The interim revenue~~  
5 ~~stabilization and tax policy committee~~] An interim committee  
6 designated by the New Mexico legislative council during the  
7 2005 interim shall conduct a review of the use of the  
8 investment credit and the effectiveness of the credit in  
9 meeting the state's economic development and tax policy  
10 objectives. Following the study, the committee shall determine  
11 whether changes are necessary in the Investment Credit Act and  
12 report its findings and recommendations to the second session  
13 of the forty-seventh legislature. "

14           Section 8. Section 7-9F-12 NMSA 1978 (being Laws 2000  
15 (2nd S.S.), Chapter 22, Section 12) is amended to read:

16           "7-9F-12. DEPARTMENT REPORT. -- In October 2003 and each  
17 year thereafter, the department shall report to the legislative  
18 finance committee and the [~~revenue stabilization and tax policy~~  
19 ~~committee~~] New Mexico legislative council or an interim  
20 committee designated by the council on the fiscal and economic  
21 impacts of the Technology Jobs Tax Credit Act using the most  
22 recently available data for the two prior fiscal years. The  
23 report shall include the number of taxpayers who have received  
24 basic credits or additional credits under the Technology Jobs  
25 Tax Credit Act, the amounts of the basic credits and additional

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1 credits, the geographic locations of the qualified facilities  
2 and the payroll increases of taxpayers related to additional  
3 credits, subject to the confidentiality provisions of  
4 Section 7-1-8 NMSA 1978. "

5 Section 9. Section 7-27-5.15 NMSA 1978 (being Laws 1990,  
6 Chapter 126, Section 5, as amended by Laws 2001, Chapter 238,  
7 Section 1 and also by Laws 2001, Chapter 252, Section 10) is  
8 amended to read:

9 "7-27-5.15. NEW MEXICO PRIVATE EQUITY [~~FUND~~] FUNDS AND  
10 SMALL BUSINESS INVESTMENTS. --

11 A. No more than three percent of the market value  
12 of the severance tax permanent fund may be invested in New  
13 Mexico private equity funds under this section.

14 B. If an investment is made under Subsection A of  
15 this section, not more than fifteen million dollars  
16 (\$15,000,000) of the amount authorized for investment pursuant  
17 to Subsection A of this section shall be invested in any one  
18 New Mexico private equity fund. The amount invested in any one  
19 New Mexico private equity fund shall not exceed fifty percent  
20 of the committed capital of that fund.

21 C. In making investments pursuant to Subsection A  
22 of this section, the council shall give consideration to  
23 investments in New Mexico private equity funds whose  
24 investments enhance the economic development objectives of the  
25 state.

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1           D. The state investment officer shall make  
2 investments pursuant to Subsection A of this section only upon  
3 approval of the council and upon review of the recommendation  
4 of the private equity investment advisory committee. The state  
5 investment officer is authorized to make investments pursuant  
6 to Subsection A of this section contingent upon a New Mexico  
7 private equity fund securing paid-in investments from other  
8 accredited investors for the balance of the minimum committed  
9 capital of the fund.

10           E. As used in this section:

11                   (1) "committed capital" means the sum of the  
12 fixed amounts of money that accredited investors have obligated  
13 for investment in a New Mexico private equity fund and which  
14 fixed amounts may be invested in that fund on one or more  
15 payments over time; and

16                   (2) "New Mexico private equity fund" means any  
17 limited partnership, limited liability company or corporation  
18 organized and operating in the United States and maintaining an  
19 office staffed by a full-time investment officer in New Mexico  
20 that:

21                           (a) has as its primary business activity  
22 the investment of funds in return for equity in or debt of  
23 businesses for the purpose of providing capital for start-up,  
24 expansion, product or market development, recapitalization or  
25 similar business purposes;

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1 (b) holds out the prospects for capital  
2 appreciation from such investments;

3 (c) has a minimum committed capital of  
4 fifteen million dollars (\$15,000,000);

5 (d) has at least one full-time manager  
6 with at least three years of professional experience in  
7 assessing the growth prospects of businesses or evaluating  
8 business plans and who has established permanent residency in  
9 the state;

10 (e) is committed to investing or helps  
11 secure investing by others in an amount at least equal to the  
12 total investment made by the state investment officer in that  
13 fund pursuant to this section, in businesses with a principal  
14 place of business in the state and that hold promise for  
15 attracting additional capital from individual or institutional  
16 investors nationwide for businesses in the state; and

17 (f) accepts investments only from  
18 accredited investors as that term is defined in Section 2 of  
19 the federal Securities Act of 1933, as amended, (15 [~~U.S.C.~~]  
20 USCA Section 77(b)) and rules and regulations promulgated  
21 pursuant to that section.

22 F. The state investment officer shall make a  
23 commitment to the small business investment corporation  
24 pursuant to the federal Small Business Investment Act of 1958  
25 to invest one-fourth [~~of one~~] percent of the market value of

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1 the severance tax permanent fund by July 1, 2001 to create new  
2 job opportunities by providing land, buildings or  
3 infrastructure for facilities to support new or expanding  
4 businesses. If invested capital in the small business  
5 investment corporation should at any time fall below one-fourth  
6 [~~of one~~] percent of the market value of the severance tax  
7 permanent fund, further commitments shall be made until the  
8 invested capital is equal to one-fourth [~~of one~~] percent of the  
9 market value of the fund. As used in this subsection,  
10 "invested capital" means the original capital contributed less  
11 any return of cost by the private equity funds.

12 G. The state investment officer shall report  
13 semiannually on the New Mexico private equity fund investments  
14 made pursuant to this section. Annually, a report shall be  
15 submitted to the legislature prior to the beginning of each  
16 regular legislative session and a second report no later than  
17 October 1 each year to the legislative finance committee and  
18 any other appropriate interim committee. Each report shall  
19 provide the amounts invested in each New Mexico private equity  
20 fund, as well as information about the objectives of the funds,  
21 the companies in which each fund is invested and how each  
22 investment enhances the economic development objectives of the  
23 state."

24 Section 10. Section 15-1C-5 NMSA 1978 (being Laws 1999,  
25 Chapter 16, Section 5) is amended to read:

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1 "15-1C-5. COMMISSION-- POWERS AND DUTIES. -- The commission  
2 shall:

3 A. adopt and promulgate rules that specify the  
4 state information architecture to implement the state strategic  
5 plan;

6 B. adopt and promulgate other rules necessary for  
7 the administration of the Information Technology Management Act  
8 and the conduct of the affairs of the office;

9 C. develop strategies for identifying and managing  
10 development projects that involve multiple agencies to ensure  
11 appropriate and timely resolution of system development  
12 problems;

13 D. provide information technology planning  
14 guidelines for agency annual plans;

15 E. update the state strategic plan annually,  
16 including identifying areas of noncompliance with the state  
17 strategic plan; and

18 F. submit proposed rules to [~~the information~~  
19 ~~technology oversight committee~~] an interim committee designated  
20 by the New Mexico legislative council for its review prior to  
21 adoption. "

22 Section 11. Section 15-1C-7 NMSA 1978 (being Laws 1999,  
23 Chapter 16, Section 7) is amended to read:

24 "15-1C-7. OFFICE-- POWERS AND DUTIES. --

25 A. The office may:

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1 (1) obtain information, documents and records  
2 that are not confidential by law from an executive agency as  
3 needed to carry out the provisions of the Information  
4 Technology Management Act;

5 (2) enter into contracts;

6 (3) perform performance or other audits or  
7 reviews of executive agency development projects or management  
8 processes; and

9 (4) when requested, offer assistance or  
10 expertise to the judiciary, legislature, institutions of higher  
11 education, counties, municipalities, public school districts  
12 and other political subdivisions of the state.

13 B. The office shall:

14 (1) review agency plans and make  
15 recommendations to the commission regarding prudent allocation  
16 of information technology resources; reduction of data,  
17 hardware and software redundancy; improving system  
18 interoperability and data accessibility among agencies;

19 (2) approve executive agency requests for  
20 proposals and information technology professional service  
21 contracts for technical sufficiency as they pertain to  
22 information technology;

23 (3) monitor executive agency compliance with  
24 its agency plan, the state strategic plan and state information  
25 architecture and report to the commission and executive agency

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1 management on noncompliance;

2 (4) review information technology cost  
3 recovery mechanisms and information systems rate structures of  
4 executive agencies and make recommendations to the commission;

5 (5) provide technical support to executive  
6 agencies in the development of their agency plans;

7 (6) review appropriation requests related to  
8 executive agency information technology requests to ensure  
9 compliance with agency plans and the state strategic plan and  
10 make written recommendations to the department of finance and  
11 administration, the legislative finance committee and the  
12 ~~[information technology oversight committee]~~ New Mexico  
13 legislative council or an interim committee designated by the  
14 council by November 30 of each year;

15 (7) provide oversight of development projects,  
16 including ensuring adequate risk management and disaster  
17 recovery practices and ~~[monitor]~~ monitoring compliance with  
18 strategies developed by the commission for timely resolution of  
19 development project problems; and

20 (8) perform any other function assigned by the  
21 commission. "

22 Section 12. Section 24-2C-4 NMSA 1978 (being Laws 1997,  
23 Chapter 256, Section 4) is amended to read:

24 "24-2C-4. PROGRAM CREATED-- DEPARTMENT RESPONSIBILITIES. --

25 A. The department shall:

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1 (1) establish and administer a [~~harm~~  
2 ~~reduction~~] program for the purpose of sterile hypodermic  
3 syringe and needle exchange;

4 (2) compile data to assist in planning and  
5 evaluating efforts to combat the spread of blood-borne  
6 diseases; and

7 (3) make an annual report, including  
8 legislative recommendations, to the New Mexico legislative  
9 [~~health and human services committee~~] council or an interim  
10 committee designated by the council by October 1 each year.

11 B. Within thirty days of [~~the effective date of the~~  
12 ~~Harm Reduction Act~~] June 20, 1997, the department shall appoint  
13 an advisory committee to include representation from:

14 (1) the office of the attorney general;

15 (2) the New Mexico state police division of  
16 the department of public safety;

17 (3) the human immunodeficiency virus sexually  
18 transmitted disease bureau of the department;

19 (4) the director of the epidemiology division  
20 of the department or his designee;

21 (5) a medical officer of the public health  
22 division of the department; and

23 (6) other persons or representatives as chosen  
24 by the secretary of health to ensure a thorough and unbiased  
25 evaluation of the program established under the Harm Reduction

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1 Act.

2 C. The advisory committee shall:

3 (1) develop policies and procedures for  
4 evaluation of the [~~harm-reduction~~] program;

5 (2) develop criteria for data collection and  
6 program evaluation; and

7 (3) meet as necessary to analyze data and  
8 monitor and produce a report on the [~~harm-reduction~~] program.

9 D. The department may contract with private  
10 providers to operate the program. "

11 Section 13. Section 27-2C-5 NMSA 1978 (being Laws 2002,  
12 Chapter 105, Section 5) is amended to read:

13 "27-2C-5. REPORTING.--The department shall report the  
14 savings from the pharmaceutical supplemental rebates for the  
15 preceding fiscal year to the New Mexico legislative [health and  
16 human services committee] council or an interim committee  
17 designated by the council by November 1 of each year. "

18 Section 14. Section 28-16A-11 NMSA 1978 (being Laws 1993,  
19 Chapter 50, Section 11) is amended to read:

20 "28-16A-11. DEVELOPMENTAL DISABILITIES PLANNING  
21 COUNCIL--REPORTS.--The developmental disabilities planning  
22 council shall submit reports on its preceding year's work to  
23 the governor and the New Mexico legislative [interim health and  
24 human services committee] council or an interim committee  
25 designated by the council by December 1 of each year. The

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1 reports shall contain recommendations, if any, for legislation  
2 or other appropriate action. "

3 Section 15. Section 33-15-3 NMSA 1978 (being Laws 2001,  
4 Chapter 169, Section 3) is amended to read:

5 "33-15-3. INCARCERATION OF OUT-OF-STATE INMATES IN  
6 PRIVATELY OPERATED CORRECTIONAL FACILITIES--MINIMUM  
7 STANDARDS--SECRETARY'S AUTHORITY TO ADOPT RULES.--

8 A. A privately operated correctional facility shall  
9 have statutory authority, other than this section, in order to  
10 operate or house inmates. In addition to satisfying  
11 requirements set forth in a statute other than this section, a  
12 privately operated correctional facility shall meet the  
13 following minimum standards before housing ten or more  
14 out-of-state inmates:

15 (1) all correctional officers and other  
16 persons, employed or engaged by a privately operated  
17 correctional facility, whose primary function is to provide  
18 security shall, before being assigned to provide the security  
19 functions, successfully complete a screening, background check  
20 and training course approved by the secretary. The secretary  
21 may offer to provide services to the privately operated  
22 correctional facility, including qualifying screening,  
23 background checks and a training program at the corrections  
24 academy at a reasonable cost;

25 (2) a privately operated correctional facility

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1 shall provide immediate oral notice, followed by a written  
2 report, to the secretaries of public safety and corrections,  
3 the local county sheriff and the chief of police of the  
4 municipality in which the facility is located, or the chief of  
5 police of the nearest municipality, or their designees,  
6 whenever any of the following events occur at the privately  
7 operated correctional facility:

8 (a) discharge of a firearm other than  
9 for training purposes;

10 (b) discharge of a chemical agent, gas  
11 or munitions to control the behavior of two or more inmates;

12 (c) a hostage situation;

13 (d) the death of an inmate, staff  
14 member, visitor or other person;

15 (e) a disturbance involving five or more  
16 inmates;

17 (f) an escape or attempted escape; or

18 (g) the commission of a felony offense;

19 (3) a privately operated correctional facility  
20 shall obtain and maintain current accreditation by the American  
21 correctional association regarding standards for prisons or  
22 standards for jails. As to any new privately operated  
23 correctional facility, the secretary may allow the facility a  
24 period of two years from the date the facility becomes  
25 operational to obtain accreditation or may require the facility

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1 to apply for and receive provisional accreditation;

2 (4) a privately operated correctional facility  
3 shall prepare an emergency response plan deemed satisfactory by  
4 the secretary. A copy of the emergency response plan shall be  
5 provided to the secretaries of public safety and corrections,  
6 the local county sheriff and the chief of police of the  
7 municipality in which the facility is located, or the chief of  
8 police of the nearest municipality, or their designees;

9 (5) a privately operated correctional facility  
10 shall ensure that an out-of-state inmate released from the  
11 privately operated correctional facility is released to his  
12 state of origin; and

13 (6) the owner or operator of a privately  
14 operated correctional facility shall enter into a written  
15 contract with the entity that proposes to house ten or more  
16 out-of-state inmates in the facility, and the contract shall  
17 contain provisions that require compliance with the minimum  
18 standards set forth in this subsection.

19 B. The secretary shall review all contracts and  
20 proposed contracts between the owner or operator of a privately  
21 operated correctional facility and the entity that proposes to  
22 house ten or more out-of-state inmates in the facility. The  
23 secretary shall prepare and submit to the county a written  
24 report summarizing his review of each contract.

25 C. The secretary shall inspect and monitor a

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1 privately operated correctional facility that houses or  
2 proposes to house ten or more out-of-state inmates to ensure  
3 compliance with the minimum standards set forth in this section  
4 and to ensure compliance with standards and rules adopted by  
5 the secretary pursuant to this section. The secretary shall be  
6 provided with the classification records and other relevant  
7 records pertaining to the out-of-state inmates who are proposed  
8 to be incarcerated at the privately operated correctional  
9 facility. The secretary shall have subpoena authority as to  
10 all present and former employees and other personnel of the  
11 privately operated correctional facility, as well as to all  
12 records pertaining to the facility, for the purposes of  
13 inspecting and monitoring the facility. Upon completion of an  
14 inspection, the secretary shall submit a report with findings  
15 and recommendations to the privately operated correctional  
16 facility, the board of county commissioners for the county  
17 where the facility is located, the county sheriff of the county  
18 where the facility is located and the New Mexico legislative  
19 ~~[corrections oversight committee]~~ council or an interim  
20 committee designated by the council. The secretary shall allow  
21 the facility a reasonable period of time to address any  
22 deficiencies and recommendations set forth in the report. The  
23 secretary may conduct additional inspections to determine  
24 compliance with minimum standards, rules and any  
25 recommendations. If a privately operated correctional facility

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1 that houses or proposes to house out-of-state inmates fails to  
2 comply with the standards and rules authorized pursuant to this  
3 section, the secretary shall notify the county of the  
4 deficiencies and recommend corrective action."

5 Section 16. Section 58-18-4 NMSA 1978 (being Laws 1975,  
6 Chapter 303, Section 4, as amended) is amended to read:

7 "58-18-4. AUTHORITY CREATED. --

8 A. There is created a public body politic and  
9 corporate, separate and apart from the state, constituting a  
10 governmental instrumentality, to be known as the "New Mexico  
11 mortgage finance authority", for the performance of essential  
12 public functions. The authority shall be composed of seven  
13 members. The director of the financial institutions division  
14 of the regulation and licensing department, state treasurer and  
15 attorney general shall be ex-officio members of the authority  
16 with voting privileges. The governor, with the advice and  
17 consent of the senate, shall appoint the other four members of  
18 the authority, who shall be residents of the state and shall  
19 not hold other public office. The four members of the  
20 authority appointed by the governor shall be appointed for  
21 terms of four years or less, staggered so that the term of one  
22 member expires on January 1 of each year. Vacancies shall be  
23 filled by the governor for the remainder of the unexpired term.  
24 Any member of the authority shall be eligible for  
25 reappointment. Each member of the authority appointed by the

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1 governor may be removed by the governor for misfeasance,  
2 malfeasance or willful neglect of duty after reasonable notice  
3 and a public hearing, unless the notice and hearing are, in  
4 writing, expressly waived. Each member of the authority  
5 appointed by the governor, before entering upon his duty, shall  
6 take an oath of office to administer the duties of his office  
7 faithfully and impartially, and a record of the oath shall be  
8 filed in the office of the secretary of state. The governor  
9 shall designate a member of the authority to serve as chairman  
10 for a term which shall be coterminous with his then current  
11 term as a member of the authority. The authority shall  
12 annually elect one of its members as vice chairman. The  
13 authority shall also elect or appoint and prescribe the duties  
14 of such other officers, who need not be members, as the  
15 authority deems necessary or advisable, including an executive  
16 director and a secretary, who may be the same person, and the  
17 authority shall fix the compensation of officers. Officers and  
18 employees of the authority are not subject to the Personnel  
19 Act. The authority may delegate to one or more of its members,  
20 officers, employees or agents such powers and duties as it may  
21 deem proper.

22 B. All members, officers, employees or agents  
23 exercising any voting power or discretionary authority shall be  
24 required to have a fiduciary bond in the amount of one million  
25 dollars (\$1,000,000) for the faithful performance of their

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1 duties, the cost of which shall be proper expense of the  
2 authority.

3 C. The executive director shall administer, manage  
4 and direct the affairs and business of the authority, subject  
5 to the policies, control and direction of the members of the  
6 authority. The secretary of the authority shall keep a record  
7 of the proceedings of the authority and shall be custodian of  
8 all books, documents and papers filed with the authority, the  
9 minute book or journal of the authority and its official seal.  
10 He shall have authority to cause copies to be made of all  
11 minutes and other records and documents of the authority and to  
12 give certificates under the official seal of the authority to  
13 the effect that the copies are true copies and all persons  
14 dealing with the authority may rely upon the certificates.

15 D. Meetings of the authority shall be held at the  
16 call of the chairman or whenever three members so request in  
17 writing. A majority of members then in office shall constitute  
18 a quorum for the transaction of any business and for the  
19 exercise of any power or function of the authority. No vacancy  
20 in the membership of the authority shall impair the rights of a  
21 quorum to exercise all the rights and to perform all the duties  
22 of the authority. An ex-officio member from time to time may  
23 designate in writing another person to attend meetings of the  
24 authority and, to the same extent and with the same effect, act  
25 in his stead.

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1           E. The authority is not created or organized, and  
2 its operations shall not be conducted, for the purpose of  
3 making a profit. No part of the revenues or assets of the  
4 authority shall inure to the benefit of or be distributable to  
5 its members or officers or other private persons. The members  
6 of the authority shall receive no compensation for their  
7 services, but the members of the authority, its officers and  
8 employees shall be paid allowed expenses if approved by the  
9 authority in accordance with policies adopted by the authority  
10 and ~~[approved by the Mortgage Finance Authority Act oversight~~  
11 ~~committee]~~ reviewed by an interim committee designated by the  
12 New Mexico legislative council.

13           F. The authority shall be separate and apart from  
14 the state and shall not be subject to the supervision or  
15 control of any board, bureau, department or agency of the state  
16 except as specifically provided in the Mortgage Finance  
17 Authority Act. In order to effectuate the separation of the  
18 state from the authority, no use of the terms "state agency" or  
19 "instrumentality" in any other law of the state shall be deemed  
20 to refer to the authority unless the authority is specifically  
21 referred to therein."

22           Section 17. Section 58-18-5 NMSA 1978 (being Laws 1975,  
23 Chapter 303, Section 5, as amended) is amended to read:

24           "58-18-5. POWERS OF THE AUTHORITY.--The authority shall  
25 have all the powers necessary or convenient to carry out and

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1 effectuate the purposes and provisions of the Mortgage Finance  
2 Authority Act, including, but without limiting the generality  
3 of the foregoing, the power:

4 A. to sue and be sued;

5 B. to have a seal and alter it at pleasure;

6 C. to make and alter bylaws for its organization  
7 and internal management;

8 D. to appoint other officers, agents and employees,  
9 prescribe their duties and qualifications and fix their  
10 compensation;

11 E. to acquire, hold, improve, mortgage, lease and  
12 dispose of real and personal property for its public purposes;

13 F. subject to the provisions of Section 58-18-6  
14 NMSA 1978, to make loans, and contract to make loans, to  
15 mortgage lenders;

16 G. subject to the provisions of Section 58-18-7  
17 NMSA 1978, to purchase, and contract to purchase, mortgage  
18 loans from mortgage lenders;

19 H. to procure or require the procurement of a  
20 policy of group or individual life insurance or disability  
21 insurance or both to insure repayment of mortgage loans in  
22 event of the death or disability of the borrower and to pay any  
23 premiums [~~therefor~~] for the policy;

24 I. to procure insurance against any loss in  
25 connection with its operations, including without limitation

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1 the repayment of any mortgage loan, in ~~[such]~~ amounts and from  
2 ~~[such]~~ insurers, including the federal government, ~~[as it may~~  
3 ~~deem]~~ that the authority deems necessary or desirable; to  
4 procure liability insurance covering its members, officers and  
5 employees for acts performed within the scope of their  
6 authority as members, officers or employees; and to pay any  
7 premiums ~~[therefor]~~ for insurance procured;

8 J. subject to any agreement with bondholders or  
9 noteholders:

10 (1) to renegotiate any mortgage loan or any  
11 loan to a mortgage lender in default;

12 (2) to waive any default or consent to the  
13 modification of the terms of any mortgage loan or any loan to a  
14 mortgage lender and otherwise exercise all powers with respect  
15 to its mortgage loans and loans to mortgage lenders that any  
16 private creditor may exercise under applicable law; and

17 (3) to commence, prosecute and enforce a  
18 judgment in any action or proceeding, including without  
19 limitation a foreclosure proceeding, to protect or enforce any  
20 right conferred upon it by law, mortgage loan agreement,  
21 contract or other agreement; and in connection with any such  
22 proceeding, to bid for and purchase the property or acquire or  
23 take possession of it and, in such event, complete, administer,  
24 pay the principal of and interest on any obligations incurred  
25 in connection with the property and operate or dispose of and

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1 otherwise deal with the property in such manner as the  
2 authority may deem advisable to protect its interests therein;

3 K. to make and execute contracts for the  
4 administration, servicing or collection of any mortgage loan  
5 and pay the reasonable value of services rendered to the  
6 authority pursuant to such contracts;

7 L. to fix, revise from time to time, charge and  
8 collect fees and other charges in connection with the making of  
9 mortgage loans, the purchasing of mortgage loans and any other  
10 services rendered by the authority;

11 M. subject to any agreement with bondholders or  
12 noteholders, to sell any mortgage loans at public or private  
13 sale at such prices and on such terms as the authority shall  
14 determine;

15 N. to borrow money and to issue bonds and notes  
16 that may be negotiable and to provide for the rights of the  
17 holders thereof;

18 O. to arrange for guarantees or other security,  
19 liquidity or credit enhancements in connection with its bonds,  
20 notes or other obligations by the federal government or by any  
21 private insurer or other provider and to pay any premiums  
22 therefor;

23 P. subject to any agreement with bondholders or  
24 noteholders, to invest money of the authority not required for  
25 immediate use, including proceeds from the sale of any bonds or

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1 notes:

2 (1) in obligations of any municipality or the  
3 state or the United States of America;

4 (2) in obligations the principal and interest  
5 of which are guaranteed by the state or the United States of  
6 America;

7 (3) in obligations of any corporation wholly  
8 owned by the United States of America;

9 (4) in obligations of any corporation  
10 sponsored by the United States of America that are or may  
11 become eligible as collateral for advances to member banks as  
12 determined by the board of governors of the federal reserve  
13 system;

14 (5) in certificates of deposit or time  
15 deposits in banks qualified to do business in New Mexico,  
16 secured in the manner, if any, as the authority shall  
17 determine;

18 (6) in contracts for the purchase and sale of  
19 obligations of the types specified in this subsection; or

20 (7) as otherwise provided in any trust  
21 indenture or a resolution authorizing the issuance of the bonds  
22 or notes;

23 Q. subject to any agreement with bondholders or  
24 noteholders, to purchase bonds or notes of the authority at the  
25 price as may be determined by the authority or to authorize

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1 third persons to purchase bonds or notes of the authority;  
2 bonds or notes so purchased shall be canceled or resold, as  
3 determined by the authority;

4 R. to make surveys and to monitor on a continuing  
5 basis the adequacy of the supply of:

6 (1) funds available in the private banking  
7 system in the state for affordable residential mortgages; and

8 (2) adequate, safe and sanitary housing  
9 available to persons of low or moderate income in the state and  
10 various sections of the state;

11 S. to make and execute agreements, contracts and  
12 other instruments necessary or convenient in the exercise of  
13 the powers and functions of the authority under the Mortgage  
14 Finance Authority Act;

15 T. to employ architects, engineers, attorneys  
16 (other than and in addition to the attorney general of the  
17 state), accountants, housing, construction and financial  
18 experts and such other advisors, consultants and agents as may  
19 be necessary in its judgment and to fix and pay their  
20 compensation;

21 U. to contract for and to accept any gifts or  
22 grants or loans of funds or property or financial or other aid  
23 in any form from the federal government or from any other  
24 source and to comply, subject to the provisions of the Mortgage  
25 Finance Authority Act, with the terms and conditions thereof;

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1           V. to maintain an office at such place in the state  
2 as it may determine;

3           W. subject to any agreement with bondholders and  
4 noteholders, to make, alter or repeal, subject to prior  
5 ~~[approval by the Mortgage Finance Authority Act oversight~~  
6 ~~committee, hereby created, to be composed of four members~~  
7 ~~appointed by the president pro tempore of the senate and four~~  
8 ~~members appointed by the speaker of the house of~~  
9 ~~representatives]~~ review by an interim committee designated by  
10 the New Mexico legislative council, such rules and regulations  
11 with respect to its operations, properties and facilities as  
12 are necessary to carry out its functions and duties in the  
13 administration of the Mortgage Finance Authority Act;

14           X. to make, purchase, guarantee, service and  
15 administer mortgage loans for residential housing for the  
16 purposes set forth in the Mortgage Finance Authority Act where  
17 private banking channels and private enterprise, unaided, have  
18 not, cannot or are unwilling to make, purchase, guarantee,  
19 service or administer the loans; and

20           Y. to do any and all things necessary or convenient  
21 to carry out its purposes and exercise the powers given and  
22 granted in the Mortgage Finance Authority Act."

23           Section 18. Section 58-18-5.2 NMSA 1978 (being Laws 1981,  
24 Chapter 173, Section 2, as amended) is amended to read:

25           "58-18-5.2. AUTHORITY DUTIES. --The authority shall make

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1 available to the [~~Mortgage Finance Authority Act oversight~~  
2 ~~committee~~] New Mexico legislative council or an interim  
3 committee designated by the council all of its records and  
4 facilities upon written request. "

5 Section 19. Section 58-18-8 NMSA 1978 (being Laws 1975,  
6 Chapter 303, Section 8, as amended) is amended to read:

7 "58-18-8. RULES AND REGULATIONS OF THE AUTHORITY. --

8 A. The authority shall adopt and may from time to  
9 time modify or repeal, subject to prior [~~approval by the~~  
10 ~~Mortgage Finance Authority Act oversight committee~~] review by  
11 an interim committee designated by the New Mexico legislative  
12 council, rules and regulations:

13 (1) for determining income levels for the  
14 classification of persons of low or moderate income, which may  
15 vary between different areas in the state and in accordance  
16 with the size of family unit; and

17 (2) for governing:

18 (a) the making of loans to mortgage  
19 lenders; and

20 (b) the purchase of mortgage loans, to  
21 implement the powers authorized and to achieve the purposes set  
22 forth in the Mortgage Finance Authority Act.

23 B. The rules and regulations of the authority  
24 relating to the making of loans to mortgage lenders pursuant to  
25 Section 58-18-6 NMSA 1978 or the purchase of mortgage loans

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1 pursuant to Section 58-18-7 NMSA 1978 shall provide at least  
2 for the following:

3 (1) procedures for the submission by mortgage  
4 lenders to the authority of:

5 (a) requests for loans; and

6 (b) offers to sell mortgage loans;

7 (2) standards for allocating bond proceeds  
8 among mortgage lenders requesting loans from or offering to  
9 sell mortgage loans to the authority;

10 (3) standards for determining the principal  
11 amount to be loaned to each mortgage lender and the interest  
12 rate thereon;

13 (4) standards for determining the aggregate  
14 principal amount of mortgage loans to be purchased from each  
15 mortgage lender and the purchase price thereof;

16 (5) qualifications or characteristics of:

17 (a) residential housing; and

18 (b) the purchasers of residential  
19 housing to be financed by new mortgage loans made in  
20 satisfaction of the requirements of Subsection F of Section  
21 58-18-6 NMSA 1978 or Subsection B of Section 58-18-7 NMSA 1978,  
22 as the case may be;

23 (6) restrictions as to the interest rates to  
24 be allowed on new mortgage loans and the return to be realized  
25 therefrom by mortgage lenders;

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1 (7) requirements as to commitments and  
2 disbursements by mortgage lenders with respect to new mortgage  
3 loans; and

4 (8) standards for mobile homes eligible for  
5 use as security.

6 C. The rules and regulations of the authority shall  
7 also provide for:

8 (1) schedules of any fees and charges to be  
9 imposed by the authority; and

10 (2) any other matters related to the duties  
11 and the exercise of the powers of the authority under the  
12 Mortgage Finance Authority Act. "

13 Section 20. Section 58-18-8.1 NMSA 1978 (being Laws 1982,  
14 Chapter 86, Section 7, as amended) is amended to read:

15 "58-18-8.1. RULES AND REGULATIONS OF THE AUTHORITY--  
16 MULTIPLE-FAMILY DWELLINGS OR TRANSITIONAL [~~AND~~] OR CONGREGATE  
17 HOUSING FACILITIES.--Prior to financing a multiple-family  
18 dwelling project or transitional or congregate housing  
19 facility, the authority shall adopt, subject to prior [~~approval~~  
20 ~~by the Mortgage Finance Authority Act oversight committee~~]  
21 review by an interim committee designated by the New Mexico  
22 legislative council, rules and regulations governing the  
23 purchase of project mortgage loans and the making of loans to  
24 finance project mortgage loans, which shall provide at least  
25 for the following:

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- 1           A. procedures for the submission by mortgage  
2 lenders to the authority of:
- 3                 (1) offers to sell project mortgage loans; or  
4                 (2) requests for loans;
- 5           B. standards for approving qualifications of  
6 sponsors and mortgage lenders;
- 7           C. standards for determining minimum equity  
8 requirements for sponsors and acceptable debt-to-equity ratios  
9 for sponsors;
- 10          D. methods for establishing uniform accounting  
11 systems for sponsors;
- 12          E. standards for approving costs of such projects;  
13 and
- 14          F. guidelines establishing reasonable geographic  
15 allocation procedures for project mortgage loans. "

16           Section 21. Section 58-18-8.2 NMSA 1978 (being Laws 1983,  
17 Chapter 285, Section 3) is amended to read:

18                 "58-18-8.2. RULES AND REGULATIONS OF THE AUTHORITY--  
19 SECONDARY MARKET FACILITY.--Prior to establishing a secondary  
20 market facility or issuing any pass-through security, the  
21 authority shall adopt, subject to prior [~~approval by the~~  
22 ~~Mortgage Finance Authority Act oversight committee~~] review by  
23 an interim committee designated by the New Mexico legislative  
24 council, rules and regulations governing the operations of the  
25 secondary market facility and the issuance of pass-through

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1 securities, which shall provide for the following, to the  
2 extent that the secondary market facility proposes to engage in  
3 such activities:

4 A. procedures for submission by mortgage lenders to  
5 the authority of offers to sell:

6 (1) mortgage loans;

7 (2) pass-through securities; or

8 (3) obligations secured by mortgage loans or  
9 pledges of mortgage loan revenues;

10 B. standards for allocating available funds or  
11 guarantees among mortgage lenders through the secondary market  
12 facility;

13 C. qualifications or conditions relating to the  
14 reinvestment by mortgage lenders of the funds made available to  
15 mortgage lenders by the secondary market facility; and

16 D. characteristics of pass-through securities to be  
17 issued by the secondary market facility."

18 Section 22. Section 58-18-8.3 NMSA 1978 (being Laws 1984,  
19 Chapter 62, Section 3, as amended) is amended to read:

20 "58-18-8.3. RULES AND REGULATIONS OF THE AUTHORITY--HOME  
21 IMPROVEMENT LOAN PROGRAM --Prior to implementing the home  
22 improvement loan program referred to in [~~Subsection B of~~]  
23 Section 58-18-7.3 NMSA 1978, the authority shall adopt, subject  
24 to prior [~~approval by the Mortgage Finance Authority Act~~  
25 ~~oversight committee~~] review by an interim committee designated

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1 by the New Mexico legislative council, rules and regulations  
2 governing the purchase of home improvement loans or loans to  
3 mortgage lenders to fund home improvement loans under the  
4 program, which shall provide at least for the following:

5 A. procedures for submission by mortgage lenders to  
6 the authority of offers to sell home improvement loans;

7 B. standards for approving qualifications of  
8 mortgage lenders;

9 C. standards for allocating bond proceeds or other  
10 authority funds among mortgage lenders offering to sell home  
11 improvement loans to the authority and among mortgage lenders  
12 receiving loans from the authority to fund home improvement  
13 loans;

14 D. qualifications or characteristics of:

15 (1) residential housing upon which a home  
16 improvement loan may be made;

17 (2) the types of home improvements that may be  
18 made with the proceeds of home improvement loans, except that  
19 the authority shall not permit the proceeds to be used for  
20 landscaping, lawn sprinkling systems, swimming pools, tennis  
21 courts, saunas or other recreational facilities; and

22 (3) the persons of low or moderate income who  
23 may apply for home improvement loans;

24 E. restrictions as to the interest rates to be  
25 allowed on home improvement loans and the fees and other profit

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1 to be realized by mortgage lenders; and

2 F. procedures for determining eligibility for any  
3 subsidies to be provided to persons of low or moderate income."

4 Section 23. Section 58-24-8 NMSA 1978 (being Laws 1983,  
5 Chapter 300, Section 8) is amended to read:

6 "58-24-8. RULES AND REGULATIONS OF THE BOARD. --

7 A. Subject to prior [~~approval of the industrial and~~  
8 ~~agricultural finance authority oversight committee~~] review by  
9 an interim committee designated by the New Mexico legislative  
10 council, the board shall adopt and may from time to time modify  
11 or repeal rules and regulations:

12 (1) for determining criteria for the  
13 classification and setting of priorities of commercial or  
14 agricultural industries in need of development, improvement or  
15 rehabilitation, which criteria may vary between different areas  
16 in the state and in accordance with the possible employment  
17 benefits; and

18 (2) for governing:

19 (a) the making of project loans;  
20 (b) the making of lender loans; and  
21 (c) the purchase of project loans, to  
22 implement the powers authorized and to achieve the purposes set  
23 forth in the Industrial and Agricultural Finance Authority Act.

24 B. The rules and regulations of the board relating  
25 to the making of lender or project loans or the purchase of

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1 project loans shall provide at least for the following:

2 (1) procedures for the submission by lenders  
3 to the board of:

4 (a) requests for loans; and

5 (b) offers to sell loans;

6 (2) written standards for allocating bond  
7 proceeds among lenders requesting lender loans from, or  
8 offering to sell project loans to, the authority;

9 (3) qualifications or characteristics of:

10 (a) commercial, industrial or  
11 agricultural facilities; and

12 (b) the sponsors or owners thereof; and

13 (4) requirements as to commitments and  
14 disbursements by lenders with respect to project loans. "

15 Section 24. Section 58-27-10 NMSA 1978 (being Laws 1991,  
16 Chapter 131, Section 10, as amended) is amended to read:

17 "58-27-10. POWERS AND DUTIES OF AUTHORITY. --

18 A. The authority shall:

19 (1) advise the governor and his staff and the  
20 New Mexico [~~finance authority oversight committee~~] legislative  
21 council or an interim committee designated by the council on  
22 methods, proposals, programs and initiatives involving the New  
23 Mexico-Chihuahua border area that may further stimulate the  
24 border economy and provide additional employment opportunities  
25 for New Mexico citizens;

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1 (2) subject to the provisions of the Border  
2 Development Act, initiate, develop, acquire, own, construct and  
3 maintain border development projects;

4 (3) create programs to expand economic  
5 opportunities beyond the New Mexico-Chihuahua border area to  
6 other areas of the state;

7 (4) create avenues of communication between  
8 New Mexico and Chihuahua and the republic of Mexico concerning  
9 economic development, trade and commerce, transportation and  
10 industrial affairs;

11 (5) promote legislation that will further the  
12 goals of the authority and development of the border region;

13 (6) produce or cause to have produced  
14 promotional literature related to explanation and fulfillment  
15 of the authority's goals;

16 (7) actively recruit industries and establish  
17 programs that will result in the location and relocation of new  
18 industries in the state;

19 (8) coordinate and expedite the involvement of  
20 the executive department's border area efforts; and

21 (9) perform or cause to be performed  
22 environmental, transportation, communication, land use and  
23 other technical studies necessary or advisable for projects or  
24 programs or to secure port-of-entry approval by the United  
25 States and the Mexican governments and other appropriate

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1 governmental agencies.

2 B. The authority [~~shall be~~] is authorized to  
3 [~~also~~]:

4 (1) solicit and accept federal, state, local  
5 and private grants of funds, property or financial or other aid  
6 in any form for the purpose of carrying out the provisions of  
7 the Border Development Act;

8 (2) adopt regulations governing the manner in  
9 which its business [~~shall be~~] is transacted and the manner in  
10 which the powers of the authority [~~shall be~~] are exercised and  
11 its duties performed;

12 (3) act as an applicant for and operator of  
13 port-of-entry facilities and, as the applicant, carry out all  
14 tasks and functions, including acquisition by purchase or gift  
15 of any real property necessary for port-of-entry facilities,  
16 acquisition by purchase, gift or construction of any facilities  
17 or other real or personal property necessary for a port of  
18 entry and filing all necessary documents and follow-up of such  
19 filings with appropriate agencies; and

20 (4) as part of a port, give or transfer real  
21 property, facilities and improvements owned by the authority to  
22 the United States government. "

23 Section 25. Section 58-28-8 NMSA 1978 (being Laws 1997,  
24 Chapter 118, Section 8) is amended to read:

25 "58-28-8. LAND TITLE TRUST FUND ADVISORY COMMITTEE

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1       CREATED- - FUNCTIONS. - -

2               A.   The "land title trust fund advisory committee"  
3 is created.  The committee shall consist of seven persons:

4                   (1)  the chairman of the trustee or his  
5 designee, who shall serve as chairman of the committee;

6                   (2)  two representatives of the land title  
7 industry appointed by the governor;

8                   (3)  one representative of the banking industry  
9 and one representative of the real estate industry appointed by  
10 the president pro tempore of the senate; and

11                   (4)  one representative of the mortgage lending  
12 industry and one representative of the real estate industry  
13 appointed by the speaker of the house of representatives.

14               B.   Of the first committee members appointed, two  
15 shall be appointed for terms of five years, two shall be  
16 appointed for terms of four years and two shall be appointed  
17 for terms of three years.  Thereafter, appointed members shall  
18 be appointed for terms of five years.  Members shall serve at  
19 the pleasure of their respective appointing authorities, and  
20 vacancies shall be filled by the appropriate appointing  
21 authority.  Any member of the committee shall be eligible for  
22 reappointment.

23               C.   The committee shall be advisory to the trustee  
24 and shall be subject to oversight by the [~~Mortgage Finance~~  
25 ~~Authority Act oversight committee~~] New Mexico legislative

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1 council or an interim committee designated by the council.

2 D. The committee shall review all project  
3 applications and make recommendations to the trustee for  
4 funding them. The committee shall not be involved in or  
5 advisory to the trustee in matters relating to the investment  
6 of the fund.

7 E. The committee shall adopt and promulgate rules  
8 and regulations regarding:

9 (1) the time, place and procedures of  
10 committee meetings;

11 (2) the procedures for the review of and  
12 standards for recommending applications for loans or grant  
13 projects; and

14 (3) the obligations of title companies  
15 pursuant to the provisions of the Land Title Trust Fund Act. "

16 Section 26. Section 62-3A-18 NMSA 1978 (being Laws 1999,  
17 Chapter 294, Section 18, as amended) is amended to read:

18 "62-3A-18. FRANCHISE FEES--GROSS RECEIPTS TAX--COAL  
19 DECOMMISSIONING--TAX REVENUES ANALYSIS.--

20 A. A franchise fee charge shall be stated as a  
21 separate line entry on a public utility's or distribution  
22 cooperative utility's bills and shall only be recovered from  
23 customers located within the jurisdiction of the government  
24 authority imposing the franchise fee.

25 B. Any gross receipts taxes collected on electric

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1 service received by retail customers in the state shall be  
2 stated as a separate line entry on a bill for electric service  
3 sent to the customer by a public utility or distribution  
4 cooperative utility.

5 C. Upon application by a public utility, the  
6 commission shall authorize the public utility to begin  
7 amortizing over five years the unrecovered costs of  
8 decommissioning mines serving coal-fired generating plants,  
9 with amortization beginning on January 1, 2002. The  
10 commission's order authorizing the amortization shall establish  
11 a separate nonbypassable wires charge for the decommissioning  
12 cost in the public utility's tariffs, which does not have to be  
13 separately shown on customer bills and which shall not change  
14 the total rates for electric service paid by any customer in  
15 effect at the time of the order. Nothing in this subsection  
16 shall prevent the commission from determining stranded costs in  
17 accordance with the Electric Utility Industry Restructuring Act  
18 of 1999 or the appropriate manner or duration of recovery of  
19 the reasonable unamortized portion of these decommissioning  
20 costs in any rate proceeding subsequent to the application.

21 D. The New Mexico legislative council shall refer  
22 to the [~~revenue stabilization and tax policy~~] appropriate  
23 interim committee questions and issues related to the amount of  
24 state and local tax revenues derived from previously regulated  
25 electric utility service and property and report to the

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1 legislature on the changed impact to state and local government  
2 tax revenues resulting from restructuring and competition in  
3 the electric industry.

4 E. The ~~[revenue stabilization and tax policy]~~  
5 interim committee shall recommend legislative changes, if any,  
6 to establish comparable state and local taxation burdens on all  
7 market participants in the supply of electricity considering  
8 the impacts and changes that have resulted from the restructure  
9 and competition in the electric industry in the state."

10 Section 27. Section 63-9F-11 NMSA 1978 (being Laws 1993,  
11 Chapter 54, Section 11, as amended) is amended to read:

12 "63-9F-11. IMPOSITION OF SURCHARGE. --

13 A. A telecommunications relay service surcharge of  
14 thirty-three hundredths ~~[of one]~~ percent is imposed on the  
15 gross amount paid by customers for:

16 (1) intrastate telephone services, other than  
17 mobile telecommunications services, provided in this state; and

18 (2) intrastate mobile telecommunications  
19 services that originate and terminate in the same state,  
20 regardless of where the mobile telecommunications services  
21 originate, terminate or pass through, provided by home service  
22 providers to customers whose place of primary use is in New  
23 Mexico.

24 B. The telecommunications relay service surcharge  
25 shall be included on the monthly bill of each customer of a

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1 local exchange company or other telecommunications company  
2 providing intrastate telephone services or intrastate mobile  
3 telecommunications services and paid at the time of payment of  
4 the monthly bill. Receipts from selling a service to any other  
5 telecommunications company or provider for resale shall not be  
6 subject to the surcharge. The customer shall be liable for the  
7 payment of this surcharge to the local exchange company or  
8 other telecommunications company providing intrastate telephone  
9 services to the customer. For the purposes of [~~this~~  
10 ~~subsection~~] Subsections A and B of this section, "home service  
11 provider", "mobile telecommunications services" and "place of  
12 primary use" have the meanings given in the federal Mobile  
13 Telecommunications Sourcing Act.

14 [~~B.—Every~~] C. A telecommunications company  
15 providing intrastate telephone services shall be responsible  
16 for assessing, collecting and remitting the telecommunications  
17 relay service surcharge to the taxation and revenue department.  
18 The amount of the telecommunications relay service surcharge  
19 collected by a telecommunications company shall be remitted  
20 monthly to the taxation and revenue department, on or before  
21 the twenty-fifth of the month following collection, which shall  
22 administer and enforce the collection of the surcharge pursuant  
23 to the provisions of the Tax Administration Act.

24 [~~E.—~~] D. The taxation and revenue department shall  
25 remit to the telecommunications access fund the amount of the

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1 telecommunications relay service surcharge collected less any  
2 amount deducted pursuant to the provisions of Subsection ~~[D]~~ E  
3 of this section. Transfer of the net receipts from the  
4 surcharge to the telecommunications access fund shall be made  
5 within the month following the month in which the surcharge is  
6 collected.

7 ~~[D-]~~ E. The taxation and revenue department may  
8 deduct an amount not to exceed three percent of the  
9 telecommunications relay service surcharge collected as a  
10 charge for the administrative costs of collection, which amount  
11 shall be remitted to the state treasurer for deposit in the  
12 general fund each month.

13 ~~[E-]~~ F. The general services department shall  
14 report to the ~~[revenue stabilization and tax policy committee]~~  
15 New Mexico legislative council or an interim committee  
16 designated by the council annually by September 30 the  
17 following information with respect to the prior fiscal year:

18 (1) the amount and source of revenue received  
19 by the telecommunications access fund;

20 (2) the amount and category of expenditures  
21 from the fund; and

22 (3) the balance of the fund on that June 30."

23 Section 28. Section 74-4A-4 NMSA 1978 (being Laws 1981,  
24 Chapter 374, Section 3, as amended) is amended to read:

25 "74-4A-4. DEFINITIONS.--As used in the Radioactive and

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1 Hazardous Materials Act:

2 [A. ~~"committee" means the joint interim legislative~~  
3 ~~radioactive and hazardous materials committee;~~

4 B.] A. "disposal" means the long-term isolation of  
5 radioactive material, including long-term monitored storage  
6 which permits retrieval of the radioactive material stored and  
7 includes the temporary or permanent disposal of all hazardous  
8 wastes;

9 [C.] B. "environmental evaluation group" means the  
10 independent state review facility administratively attached to  
11 the New Mexico institute of mining and technology and funded by  
12 the United States department of energy;

13 [D.] C. "hazardous waste" means any garbage,  
14 refuse, sludge from a waste treatment plant, water supply  
15 treatment plant or air pollution control facility or other  
16 discarded material, including solid, liquid, semisolid or  
17 containing gaseous material resulting from industrial,  
18 commercial, mining or agricultural operations or from community  
19 activities which because of its quantity, concentration or  
20 physical, chemical or infectious characteristics may cause or  
21 significantly contribute to an increase in mortality or an  
22 increase in serious irreversible or incapacitating reversible  
23 illness or pose a substantial [~~present~~] current or potential  
24 hazard to human health or the environment when improperly  
25 treated, stored, transported, disposed of or otherwise managed.

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1 The term "hazardous waste" does not include solid or dissolved  
2 material in domestic sewage or animal excrement in connection  
3 with farm, ranch or feedlot operations or solid or dissolved  
4 materials in irrigation return flows or industrial discharges  
5 that are point sources subject to permits under Section 402 of  
6 the federal Water Pollution Control Act, as amended, as the  
7 provisions exist on January 1, 1981, or source, special or  
8 byproduct material as defined in the Atomic Energy Act of 1954,  
9 as amended, as these definitions exist on January 1, 1981, or  
10 any of the following, until the environmental improvement board  
11 determines that they are subject to Subtitle C of the Resource  
12 Conservation and Recovery Act, as amended (42 U. S. C. 6921 et  
13 seq.): drilling fluids, produced waters and other wastes  
14 associated with the exploration, development or production of  
15 crude oil or natural gas or geothermal energy, any fly ash  
16 waste, bottom ash waste, slag waste, flue gas emission control  
17 waste generated primarily from the combustion of coal or other  
18 fossil fuels, solid waste from the extraction, beneficiation or  
19 processing of ores and minerals, including phosphate rock and  
20 overburden from the mining of uranium ore or cement kiln dust  
21 waste;

22 [E.] D. "high-level waste" means the highly  
23 radioactive wastes resulting from the reprocessing of spent  
24 nuclear fuel and includes both the liquid waste which is  
25 produced directly in reprocessing and any solid material into

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1 which such liquid waste is made;

2           ~~[F.]~~ E. "low-level waste" means material  
3 contaminated with radioactive elements emitting beta or gamma  
4 particles or with traces of transuranic elements in  
5 concentrations of less than one hundred nanocuries per gram;

6           ~~[G.]~~ F. "mixed waste" means any mixture of  
7 hazardous waste regulated under the Hazardous Waste Act and  
8 radioactive waste regulated under the federal Atomic Energy Act  
9 of 1954;

10           ~~[H.]~~ G. "radioactive materials" means any material  
11 or combination of materials which spontaneously emits ionizing  
12 radiation. Materials in which the estimated specific activity  
13 is not greater than ~~[0.002]~~ two thousandths microcuries per  
14 gram of material, and in which the radioactivity is essentially  
15 uniformly distributed, are not considered to be radioactive  
16 materials;

17           ~~[I.]~~ H. "radioactive waste" means high-level waste,  
18 transuranic contaminated waste and low-level waste;

19           ~~[J.]~~ I. "spent fuel" means nuclear fuel that has  
20 been irradiated in and recovered from a civilian nuclear power  
21 plant;

22           ~~[K.]~~ J. "task force" means the radioactive waste  
23 consultation task force; and

24           ~~[L.]~~ K. "transuranic contaminated waste" means  
25 material contaminated with radionuclides emitting alpha

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1 radiation having an atomic number greater than ninety-two,  
2 including neptunium, plutonium, americium and curium, in  
3 concentrations of greater than one hundred nanocuries per  
4 gram "

5 Section 29. Section 74-4A-6 NMSA 1978 (being Laws 1979,  
6 Chapter 380, Section 5, as amended by Laws 2001, Chapter 12,  
7 Section 1 and also by Laws 2001, Chapter 103, Section 1) is  
8 amended to read:

9 "74-4A-6. TASK FORCE. -- There is created the "radioactive  
10 waste consultation task force". The task force shall consist  
11 of the secretaries of energy, minerals and natural resources;  
12 health; environment; public safety; and highway and  
13 transportation or their designees. [~~The chairman and vice~~  
14 ~~chairman, or their designees from the committee~~] Two  
15 legislators named by the New Mexico legislative council shall  
16 be advisory members of the task force. The state fire marshal  
17 or his designee shall serve as a nonvoting member of the task  
18 force. "

19 Section 30. Section 74-4A-7 NMSA 1978 (being Laws 1979,  
20 Chapter 380, Section 6, as amended) is amended to read:

21 "74-4A-7. DUTIES OF THE TASK FORCE. --

22 A. The task force shall negotiate for the state  
23 with the federal government in all areas relating to siting,  
24 licensing and operation of new federal disposal facilities,  
25 including research, development and demonstration, for high-

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1 level radioactive wastes, transuranic radioactive wastes and  
2 low-level radioactive waste. This subsection shall not be  
3 construed to limit the powers of any agency otherwise  
4 authorized to negotiate with the federal government, and if  
5 such negotiation should also come within the authority of the  
6 task force, the task force shall provide assistance to that  
7 agency but shall not limit the agency's exercise of authority.  
8 Any action taken pursuant to this subsection may be disapproved  
9 by joint resolution of the legislature.

10 B. The task force may recommend legislation to  
11 implement the state's policies with respect to new federal  
12 disposal facilities.

13 C. The task force shall identify impacts of new  
14 federal disposal facilities within the state and shall  
15 disseminate that information.

16 D. The task force shall coordinate the  
17 investigations and studies undertaken by all state agencies and  
18 shall forward an executive summary of ongoing and recently  
19 completed investigations and studies, including information  
20 from federal or other studies, to the legislature and the  
21 governor as the studies are completed or information released.

22 E. The task force shall ~~[meet regularly with the~~  
23 ~~committee and keep the]~~ report regularly to the New Mexico  
24 legislative council or an interim committee designated by the  
25 council and keep the council or committee apprised of all

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1 actions taken by the task force."

2 Section 31. Section 74-4A-8 NMSA 1978 (being Laws 1979,  
3 Chapter 380, Section 7, as amended) is amended to read:

4 "74-4A-8. POWERS OF THE TASK FORCE. --

5 A. The task force may make procedural rules deemed  
6 necessary to carry out the provisions of Section 74-4A-7 NMSA  
7 1978.

8 B. The task force may solicit and accept grants  
9 from federal or private sources for projects and undertakings  
10 that further the purposes of Section 74-4A-7 NMSA 1978.

11 C. The task force may make such contracts as it  
12 deems necessary to carry out the provisions of Section 74-4A-7  
13 NMSA 1978.

14 D. The task force may appoint a representative on  
15 any federal or state-federal task forces or working groups.

16 E. The task force may perform such other acts as  
17 are necessary and proper for carrying out the provisions of  
18 Section 74-4A-7 NMSA 1978 and shall cooperate fully with the  
19 [committee] appropriate legislative interim committees."

20 Section 32. Section 74-4C-3 NMSA 1978 (being Laws 1985  
21 (1st S.S.), Chapter 4, Section 3) is amended to read:

22 "74-4C-3. DEFINITIONS. -- As used in the Hazardous Waste  
23 Feasibility Study Act:

24 A. "committee" means the [radioactive materials  
25 committee] New Mexico legislative council or an interim

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1 committee designated by the council;

2 B. "division" means the [~~environmental improvement~~  
3 ~~division of the health and environment~~] department of of  
4 environment;

5 C. "hazardous waste" means garbage, refuse, sludge  
6 from a waste treatment plant, water supply treatment plant or  
7 air pollution control facility or other discarded material,  
8 including solid, liquid, semisolid or containing gaseous  
9 material resulting from industrial, commercial, mining or  
10 agricultural operations, other than waste pesticides disposed  
11 of by a farmer pursuant to Section 74-4-3.1 NMSA 1978, or from  
12 community activities which, because of its quantity,  
13 concentration or physical, chemical or infectious  
14 characteristics, may cause or significantly contribute to an  
15 increase in mortality or an increase in serious irreversible or  
16 incapacitating reversible illness, or pose a substantial  
17 present or potential hazard to human health or the environment  
18 when improperly treated, stored, transported, disposed of or  
19 otherwise managed. The term hazardous waste does not include  
20 solid or dissolved material in domestic sewage, or animal  
21 excrement in connection with farm, ranch or feedlot operations,  
22 or solid or dissolved materials in irrigation return flows or  
23 industrial discharges which are point sources subject to  
24 permits under Section 402 of the Water Pollution Control Act,  
25 as amended, as the provisions exist on January 1, 1981; or

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1 source, special or byproduct material as defined in the Atomic  
2 Energy Act of 1954, as amended, as these definitions exist on  
3 January 1, 1981; or any of the following, until the  
4 environmental improvement board determines that they are  
5 subject to Subtitle C of the Resource Conservation and Recovery  
6 Act, as amended (42 U.S.C. 6921 et seq.): drilling fluids,  
7 produced waters and other wastes associated with the  
8 exploration, development or production of crude oil or natural  
9 gas or geothermal energy; any fly ash waste, bottom ash waste,  
10 slag waste or flue gas emission control waste generated  
11 primarily from the combustion of coal or other fossil fuels;  
12 solid waste from the extraction, beneficiation or processing of  
13 ores and minerals, including phosphate rock and overburden from  
14 the mining of uranium ore; cement kiln dust waste; or pesticide  
15 waste disposed of by any farmer from his own use, provided that  
16 he triple rinses each emptied pesticide container and disposes  
17 of the pesticide residues on his own farm in a manner  
18 consistent with the disposal instructions on the pesticide  
19 label; and

20 D. "hazardous waste activity" means the generation,  
21 treatment, storage, transportation or disposal of hazardous  
22 waste."

23 Section 33. Section 74-4E-4 NMSA 1978 (being Laws 1989,  
24 Chapter 149, Section 4) is amended to read:

25 "74-4E-4. COMMISSION CREATED-- MEMBERSHIP-- TERMS-- DUTIES--  
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1 IMMUNITY GRANTED. --

2 A. The "state emergency response commission" is  
3 created. The commission shall consist of seven members who  
4 shall be qualified voters of the state of New Mexico. All  
5 members shall be appointed by the governor. Among the members  
6 appointed, there shall be representatives of private industry,  
7 federal facilities, public health and public safety.  
8 Appointments shall be made for four-year terms to expire on  
9 January 1 of the appropriate year. Commission members shall  
10 serve staggered terms as determined by the governor at the time  
11 of their initial appointments. Annually, the governor shall  
12 designate, from among the members, a chairman of the  
13 commi ssi on.

14 B. The commission shall:

- 15 (1) exercise supervisory authority to  
16 implement Title III within New Mexico;
- 17 (2) prescribe all reporting forms required by  
18 the Hazardous Chemicals Information Act;
- 19 (3) provide direction to the emergency  
20 management task force and the hazardous materials safety board;
- 21 (4) report periodically to the [~~radioactive~~  
22 ~~and hazardous materials committee~~] New Mexico legislative  
23 council or an interim committee designated by the council; and
- 24 (5) report annually to the governor and the  
25 legislature.

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1 C. The commission may solicit and accept grants  
2 from federal or private sources for undertakings that further  
3 the purpose of the Hazardous Chemicals Information Act or the  
4 Emergency Management Act and may make contracts necessary to  
5 carry out the purposes of both of those acts.

6 D. Commission members shall not vote by proxy. A  
7 majority of the members constitute a quorum for the conduct of  
8 business.

9 E. Commission members shall not be paid, but shall  
10 receive per diem and mileage expenses as provided in the Per  
11 Diem and Mileage Act.

12 F. Immunity from tort liability for emergency  
13 response actions, including planning or preparation [~~therefore~~]  
14 therefor, is granted to the state, its subdivisions and all  
15 their agencies, officers, agents and employees. Any waiver of  
16 immunity from tort liability granted under the Tort Claims Act  
17 shall not be applicable to disaster or emergency response or  
18 planning. "

19 Section 34. REPEAL. -- Sections 2-12-1 through 2-12-10,  
20 2-13-1 through 2-13-5, 2-16-1 through 2-16-6, 2-17-1 through  
21 2-17-6, 2-18-1 through 2-18-6, 2-19-1, 6-21-30, 6-21-31,  
22 15-1C-10, 15-1C-11, 29-9-12 through 29-9-16, 29-9-18, 52-7-1  
23 through 52-7-6, 58-27-26, 74-4A-9 through 74-4A-11 and 74-4A-12  
24 through 74-4A-14 NMSA 1978 (being Laws 1983, Chapter 300,  
25 Sections 24 through 26; Laws 1987, Chapter 254, Section 11;

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1 Laws 1981, Chapter 173, Section 1; Laws 1993, Chapter 65,  
2 Sections 15 through 19; Laws 1989, Chapter 349, Sections 1  
3 through 5; Laws 1994, Chapter 90, Sections 1 through 6; Laws  
4 1998, Chapter 8, Sections 21 through 26 and Laws 1998, Chapter  
5 9, Sections 21 through 26; Laws 2000, Chapter 106, Sections 2  
6 through 7; Laws 2000 (2nd S. S.), Chapter 9, Section 4; Laws  
7 1992, Chapter 61, Sections 30 and 31; Laws 1999, Chapter 16,  
8 Sections 10 and 11; Laws 1975, Chapter 230, Sections 1 through  
9 5; Laws 1981, Chapter 234, Section 1; Laws 1990 (2nd S. S.),  
10 Chapter 2, Sections 83 through 88; Laws 1995, Chapter 192,  
11 Section 21; and Laws 1979, Chapter 380, Sections 8 through 12  
12 and 14, as amended) are repealed.

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